

CITY COMMISSION MINUTES

January 19, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, January 19, 2010 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: Interim City Manager Mike Guinn, City Attorney Catherine Logan via teleconference, and City Clerk Tyler Ficken.

GENERAL DISCUSSION

David Clement of 502 W. Ash addressed the Commission regarding his property at 710 Chicago. He stated that he left the City his telephone number but he did not receive a call. Mr. Clement stated that he never received any additional feedback regarding his property after the last meeting he was at. Commissioner Johnson stated that the City should not have to contact someone to tell them to take care of their property; the roof needed to be fixed. Commissioner Johnson stated that the inspector presented to the Commission at the last Commission Meeting and this resulted in a decision being made. Inspector Karmann stated that the entire roof needs to be repaired either all metal or all shingles. City attorney Logan stated that the City has provided Mr. Clement with multiple opportunities since August 2008 to repair the property. Commissioner Johnson asked where the building needs to be fixed. Inspector Karmann stated that the building will take a lot of additional work to meet code. Commissioner Johnson stated that people should take a pride in ownership of their property; people can work on their homes even in the winter. Mr. Clement stated that he has put a lot of work into the property. Inspector Karmann stated that City staff has fixed the fence at the property multiple times. City Attorney Logan suggested that offering extensions as in this instance sets bad precedent. Mr. Clement stated that he will file an injunction to stop the demolition of the property and take the City to court. Inspector Karmann stated that additional time on site will result in increased costs for the demolition. Interim City Manager Guinn will provide documents regarding the condemnation and demolition process to City Attorney Logan for her review. The demolition will proceed once City Attorney Logan confirms that the condemnation process was completed correctly.

Scott Johnson stated that he attended a planning and zoning meeting. He stated that he believes the City should not help people who do not pay their taxes. Lawyers at the meeting would not answer why taxes are not being paid. It is questionable why so many special assessments were moved to an 8 acre lot of land that is poor for development. The owner should pay all taxes before pulling any new permits. Regarding NRP, the City should set up a fund where the City keeps 20 to 25 percent of the funds to help the community as a whole. These funds could be used to go toward projects that require matching funds. Citizens should come to the City Commission meeting and address the Commission

regarding what they want. Commissioner Taylor asked City Attorney Logan how special assessments can be shifted on a project. City Attorney Logan stated that there are multiple methods; there have been three amended petitions on the land in question; changes have been approved by Gilmore & Bell and the State Attorney General office. City Attorney Logan stated that the issue is under investigation by BKD. Commissioner Johnson stated that the land in question is a hole in the ground that will have no use. City attorney Logan stated that she will be examining the City code in order to determine the exact requirements for builders before a permit can be issued? Do all property taxes need to be paid for, or only the lot for which a permit is applied for? Commissioner Johnson stated that the City should not bend the rules; the developers should pay their taxes or the project should be shut down. Commissioner Taylor asked City Attorney Logan when BKD will be finished with their report. City Attorney Logan stated the after speaking with BKD on January 7th, she believed the report will be ready in a month.

Olga Webb of 2020 Nottingham Drive, stated that there are too many cars parked on her street and traffic is unable to make in through the area. As a result of too many cars the street, the street cannot be adequately plowed. It would be difficult for her husband to make it to the hospital in the event of an accident. She would like the City to look into allowing parking on one side of the street only. It would be very difficult for emergency vehicles to navigate the area currently. Chief Brown stated that there is currently only room for one vehicle to make it down the street when cars are parked on both sides of the road. Commissioner Johnson stated that there is no reason for so many people to be parking on the street; park in your garage.

Jonice Pitts stated that two scholarship fund breakfasts will be held this year. There are problems with disabled access downtown. There are not enough curb cut aways, and those that exist are on the wrong side of your vehicle for easy access. It is especially difficult to get to Kites. She asked that people get in a wheel chair and try to maneuver downtown; it is very difficult. The scholarship event will be held at the Dixon Center on January 30th from 8 to 11.

CONSENT AGENDA

- a. Approval of the **January 5, 2010** City Commission Meeting minutes; approval of the **December 31, 2009** Special Commission Meeting Minutes; approval of the **January 8, 2010** Special City Commission Meeting Minutes.
- b. The consideration and approval of **Rezoning of 739 West 7th Street** ("CSP" to "CS") Recommendation of Denial; **S-3076** is attached. (MPC unanimously denied application) (**Final Reading**)
- c. Monthly Reports:
 1. Personnel Report
 2. EMS Report

- 3. Fire Report
- 4. Police Report

- e. The consideration and approval of **Change Order #9** to decrease the contract amount by \$7,938.48 for multiple items on the East Chestnut Street Roundabout Project.
- f. The consideration and approval of **Change Order #7** to increase the contract amount by \$13,096.62 for multiple items on the East Chestnut Street Project.
- g. The consideration of a motion to hold a public hearing on February 16, 2010 at 7:00 p.m. at City Hall 700 N. Jefferson in the City; hearing is for the purpose of any and all oral or written objections to proposed assessments in connection with the following described improvements:
 - Project No. 1** - Turkey Ridge Addition and Replat of all of Lots 2 thru 16, Block 1, and all of Kestrel Drive, and Falcon Street Right-of-ways, Turkey Ridge Addition - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 2** - Turkey Hollow Addition - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 3** - Mann's Ranch Addition - Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 4** - Mann's Ranch Addition Unit No. 1 - Street Improvements
 - Project No. 5** - Mann's Ranch Addition Unit No. 2 - Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 6** - Mann's Ranch Addition Unit No. 2 - Street Improvements
 - Project No. 7** - Deer Creek Addition Unit No. 3 - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 8** - A Replat of Michael's Run an Addition to Junction City, Kansas - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 9** - Indian Ridge Addition Unit No. 6 - Street, Storm Sewer, Sanitary Sewer and Water Improvements
 - Project No. 10** - Russell J. Johnson Addition - Street, Storm Sewer, Sanitary Sewer and Water Improvements
 - Project No. 12** - Deer Creek Addition Unit No. 2 - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 13** - Prairie Ridge Addition Unit No. 2 - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements
 - Project No. 14** - Deer Creek Addition - Storm Water Sewer Improvements
 - Project No. 15** - Tom Neal Industrial Park - Street, Storm Sewer, Sanitary Sewer and Water Improvements
 - Project No. 16** - The Bluffs Addition - Sanitary Sewer and Water Improvements
 - Project No. 17** - Hickory Hills Addition - Street Improvements
 - Project No. 18** - Hickory Hills Addition - Storm Sewer, Sanitary Sewer and Water Improvements
 - Project No. 19** - Garfield Garden Homes - Sanitary Sewer and Water Improvements

- h. The consideration and approval of Resolution **R-2590** to set a public hearing date of March 2, 2010 regarding condemnation of 305 N. Madison St.
- i. The consideration and approval of Resolution **R-2591** and to set a public hearing date of March 2, 2010 regarding condemnation of 538 W. 12th St.
- j. The consideration and approval of Resolution **R-2592** and to set a public hearing date of March 2, 2010 regarding condemnation of 1220 N. Eisenhower Dr.
- k. The consideration of **Appropriation Ordinance** dated Dec 10, 2009 to Jan 12, 2010 in the amount of \$4,262,965.65.

Commissioner Taylor moved, seconded by Commissioner Johnson to approve the consent agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

SEPARATE DISCUSSION

- d. Recreation Director Haslouer stated that the change in hours at Spin City would cut operating costs at the facility. Mayor Heldstab asked if signs would be posted to alert citizens of the change. Recreation Director Haslouer stated that yes, he will post signs to inform the public of the change. Commissioner Johnson said it was good to change hours so that money can be saved. Commissioner Talley stated that he feels the current signs at Spin City are too negative; they only inform when the facility is closed and not when it is open. Recreation Director Haslouer stated that he will work to post the hours in a more positive way. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve the hours of operation change at Spin City. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.
- g. A legal representative for Project #11 – Doc Hargreaves Hilltop Addition Unit #5 – Street, Sanitary Sewer, Storm Sewer and Water Main Improvements stated that project # 11 should be removed from the motion because improvements have not been completed at the development. City Attorney Katie Logan stated that the item should remain with the motion because it can be removed at a later date if necessary during the public hearing. Attorney for the project stated that there was not an opportunity in the past to changes during this process; developer was told that there would be access to US 77 and there is no access. City Attorney made the point that on this night the only action will be to pass a date for a public hearing on this project. Commissioner Taylor asked if the City's time is running out on the Temporary Note financing of these improvements. City Attorney Logan stated that we are running up against that time. Attorney for project #11 stated that the City has been provided with enough information by now regarding this project. Commissioner Johnson stated that the issue will be fully discussed.

Commissioner Rhodes moved, seconded by Commissioner Talley to include project #11 in the public hearing. Ayes: Heldstab, Johnson, Rhodes, Talley. Nays: Taylor. Motion carried.

SPECIAL PRESENTATIONS

Interim City Manager Guinn presented awards from the Ready-Mix Concrete Association for work on Spring Valley Road and the Chestnut Roundabout.

NEW BUSINESS

The consideration and approval of Resolution R-2588 to reflect actual number of street lights and their placement in Prairie Ridge Addition. Interim City Manager Guinn Presenting. Interim City Manager Guinn stated that the purpose of the Resolution is to reduce the number of light instated at Prairie Ridge Addition from 10 to 8. Commissioner Taylor stated that he had questions regarding the number of lights at the time. Commissioner Johnson asked if these lights were in the completed section of the addition. Interim City Manager Guinn stated that yes, the lights are in the completed section. Commissioner Taylor moved, seconded by Commissioner Johnson to approve R-2588 Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to enter into an agreement with USD 475 for use of the Spin City facility. Recreation Director Haslouer Presenting. Recreation Director Haslouer stated that USD 475 has used Spin City in the past approximately 5 days per week. Commissioner Johnson asked if this is a subsidy. Commissioner Talley stated that if there is a subsidy here it is USD 475 subsidizing Spin City. Commissioner Rhodes moved, seconded by Commissioner Talley to approve contract for use of Spin City with USD 475. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of R-2589 an amendment to the Ventria Lease Agreement. City Attorney Logan Presenting. Commissioner Johnson stated that he is concerned that the City paid 1.5 million for this building that it now rents for \$15,000 per month. Economic Development Director Black stated that the City wanted to increase payments but that this is the deal that Ventria would accept. Commissioner Taylor asked EDC Director Black what the incentives were for Ventria. EDC Director Black stated that incentives were attached to building improvements, the amount of rice grown, and the number of employees hired. EDC Director Black stated that Ventria's Sacramento offices are in the process of being closed, and Ventria will soon be in the City; Ventria provides a \$7,500 incentive to employees who live in Geary County. EDC Director Black stated that the agreement with Ventria would make the City whole. Commissioner Johnson stated that the incentives should end since Ventria is already tied to the City; he would like to see a better deal for taxpayers. City Attorney Logan stated that Ventria would be more likely to stay in the community with a six year lease rather

than continuing month to month. EDC Director Black stated that the City does not want to lose Ventria in the community. Commissioner Johnson stated that the City has paid too much for this business to come here; if a citizen ran their business this way then they would be bankrupt. Commissioner Taylor asked if Ventria has met their responsibilities. EDC Director Black stated that there is an audit pending, but Ventria has met their responsibilities in the past. Mayor Heldstab asked if there is any more flexibility in the contract. Commissioner Johnson stated that he would like to know exactly who is on the Spirit of 76 board. EDC Director Black stated that the Spirit of 76 board does a service for the community; he wanted to remind everyone that the City is not a profit center. City Attorney Logan stated that by the end of this contract, Ventria will have paid the City \$1.6 million for the building; the City needs to obligate Ventria to stay in the community or they could leave. EDC Director Black stated that Ventria will be consolidating their national office in Junction City. Commissioner Taylor asked if the City has any more obligations to Ventria. EDC Director Black stated that the purchase of the building in the agreement was not initially intended for use by Ventria. Commissioner Taylor stated that he would like to see Ventria employees at a meeting. Mayor Heldstab stated that Ventria was at the Chamber event held last weekend. Commissioner Taylor stated that they should meet at a City Commission Meeting. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2589 Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried.

The consideration and approval of Ordinance S-3077; an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of Junction City, Kansas as heretofore authorized by RESOLUTION NOS. R-2230, AS AMENDED BY R-2290, AS AMENDED BY R-2362, R-2232, AS AMENDED BY R-2289, AS AMENDED BY R-2363, R-2349, R-2352, R-2345, R-2353, R-2331, R-2348, R-2271, R-2274, R-2282, R-2254, R-2250, AS AMENDED BY R-2408, R-2476, R-2477, R-2192, R-2475 AND 2478 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS. (First Reading) Interim City Manager Guinn Presenting. Interim City Manager Guinn reminded the Commission that projects may be removed in the future prior to final passage of this ordinance. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3077 on first reading Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to set the Municipal Court Judge's salary. Administrative Services Director Gowen Presenting. Administrative Services Director Gowen stated that Judge McCone's salary would be \$48,750; the amount has been budgeted for, and it is a 3 year contract. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Municipal Court Judge's salary. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Talley stated that he enjoyed the Ruby Stevens celebration on Martin Luther King Day. Stevens is a strong person in the community.

Commissioner Rhodes wanted to Echo Commissioner Talley's comments.

Commissioner Taylor asked Interim City Manager Mike Guinn if the City is meeting its financial obligations. Interim City Manager Guinn stated that the City is waiting to receive some information from one contractor; once the information is received then payments will be current.

Commissioner Johnson stated that he thought it was a good Martin Luther King Celebration; they are a very patriotic group, and are good Christians.

Mayor Heldstab stated that he would like to also echo the positive comments regarding Martin Luther King Day. The Regional Planning Organization board has been set. There was a successful Chamber of commerce retreat that took place last weekend. Gerry Vernon, the new City Manager will be with the City no later than February 8th; he has rented an apartment in the City.

STAFF COMMENTS

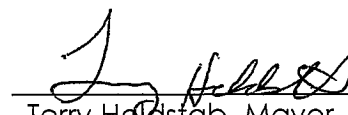
Interim City Manager Guinn stated that he has received calls regarding potholes; the current asphalt mix has not been working well and the weather has been hard on the streets. The City will receive a new shipment soon. The City had 146 permits for new buildings this year compared with 88 permits last year; remodel permits are also up this year.

ADJOURNMENT

Commissioner Johnson moved, seconded by Commissioner Taylor to adjourn at 8:55 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF FEBRUARY 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JANUARY 19, 2010.



Tyler Ficken, City Clerk

Terry Heldstab, Mayor